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## Uniform Juvenile Intake Procedures

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### ***Summary***

As noted in the Alaska Corrections Master Plan, intake screening for juvenile offenders for detention and petition is performed in some communities by Alaska Court System employees and in others by employees of the Alaska Department of Corrections. This circumstance, as well as differing community standards, results in divergent practices in different parts of the state. Legislation will be recommended to the 1981 Alaska legislature to unify the administration of intake services in the new Division of Youth Services, and to set forth criteria and standards for decisions with respect to the preadjudication detention of youth and the petitioning of youth to the juvenile court. This report examines the development nationally of standards for secure detention of juveniles and disposition of juvenile cases, and presents recommendations for the administration of intake services, secure detention, and judicial and nonjudicial handling of cases at intake in Alaska.

UNIFORM JUVENILE INTAKE PROCEDURES



**JUSTICE CENTER**

**University of Alaska, Anchorage  
Anchorage, Alaska**

UNIFORM JUVENILE INTAKE PROCEDURES

Prepared for the Alaska  
Criminal Justice Planning Agency

by

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December, 1980

## UNIFORM JUVENILE INTAKE PROCEDURES

### SUMMARY STATEMENT

#### Statement of the Problem

Currently, intake screening for detention and petition is performed in some communities by court employees and in other communities by Department of Correction (sic) employees. This state of affairs, combined with differing community standards, has resulted in a circumstance of extremely divergent practices from one part of the state to the other concerning the detention and petitioning of cases. This disparity arises in part out of the absence of any standards or criteria for intake decision making, and from differing sources of administration and philosophy. (Alaska Corrections Master Plan, p. 423) (Emphasis added)

Legislation which will unify the administration of intake services in the new Division of Youth Services and set forth criteria and standards for decisions with respect to the pre-adjudication detention of youth and the petitioning of youth to the juvenile court will be recommended to Alaska's 1981 legislature.

#### Unification of the Intake Function

It is recommended that the intake functions of receiving and screening referrals to the juvenile court be unified within juvenile services. As noted in the Alaska Corrections Master Plan, these functions are basically executive rather than judicial in nature. Unification within a single source of administration should lessen the current disparity in practices which exists across the state.

#### Standards for Use of Secure Detention

The detrimental and traumatic effects on youth of placement in a secure detention facility have been extensively addressed

by national studies. Because of these effects and concern over the unnecessary detention of youth prior to a finding of delinquency, standards published nationally by such authorities as the John Howard Association, the National Advisory Commission on Criminal Justice Standards and Goals, the National Council on Crime and Delinquency, the Institute for Judicial Administration and the American Bar Association have addressed the issue of criteria for the use of pre-adjudication detention. These standards provide the basis for criteria proposed here which restrict the use of secure detention.

Basically, these criteria provide for the use of secure detention only if the youth is charged with a serious property crime or crime of violence which if committed as an adult would be a felony and it is necessary to insure the presence of the youth at court or to protect the public from harm. Evidence based upon the nature of the present charge and past behavior of the youth is used in determining whether secure detention is necessary.

The use of secure detention is considered a last resort and other least restrictive alternatives such as release or placement in nonsecure facilities should be used. Secure detention must not be used as a substitute for shelter care and crisis intervention services for youth.

#### Standards for Judicial or Nonjudicial Disposition at Intake

Intake has traditionally functioned as a screening process for youth referred to the juvenile court. The intake officer

has the discretion to recommend either judicial or nonjudicial handling of the youth. This decision is frequently made in the absence of any criteria or guidelines. The absence of such guidelines creates the appearance if not the reality of an arbitrary decision making process.

National standards have been developed which delineate appropriate nonjudicial dispositions and set forth criteria for decisions made at intake. These national standards are the basis for standards proposed here which provide guidelines and criteria for the selection of judicial or nonjudicial dispositions at intake.

In the selection of a disposition, the intake officer should consider the best interests of both the youth and the community. Consideration of such factors as the nature of the charge, prior record and court appearances, family and school situation, age and maturity of the juvenile is relevant. Race, religion, sex and economic status are not relevant to a decision concerning the disposition at intake.

The proposed standards also limit the type of nonjudicial disposition available to the intake officer. The intake officer may dismiss the case, warn and release the youth to his or her parents or refer the youth to community resources. The placement of restrictions and supervision of the youth in the form of informal probation is not permissible in the absence of formal adjudication.

### Conclusion

The juvenile court process has long been characterized by the exercise of a great deal of discretion. The founders of the

court felt that such discretion and informality were necessary to insure that the juvenile received individualized treatment in his or her best interests. However, the existence of such discretion also resulted in decisions which were often arbitrary and capricious.

The legislation proposed here recommends the placement of the intake function within the Division of Youth Services and provides criteria for the use of secure detention, and the selection of judicial or nonjudicial dispositions of cases at intake. These steps are necessary in order to help to insure uniformity and fairness in the pre-adjudication phase of the juvenile justice system in Alaska.

## INTRODUCTION

### Statement of the Problem

Currently, intake screening for detention and petition is performed in some communities by court employees and in other communities by Department of Correction (sic) employees. This state of affairs, combined with differing community standards, has resulted in a circumstance of extremely divergent practices from one part of the state to the other concerning the detention and petitioning of cases. This disparity arises in part out of the absence of any standards or criteria for intake decision making, and from differing sources of administration and philosophy. (Alaska Corrections Master Plan, p. 423) (Emphasis added)

In order to address this problem legislation which will unify the administration of intake services in the new Division of Youth Services and set forth criteria for making decisions with respect to pre-adjudication detention and the petitioning of youth to juvenile court will be proposed to Alaska's 1981 legislature.

This paper will examine the national experience in dealing with the development of standards for the use of secure detention and the judicial and nonjudicial disposition of cases and delineate the situation with respect to these aspects of the pre-adjudication phase of the juvenile court in Alaska. Specific recommendations with respect to the administration of intake services in Alaska and criteria for use of secure detention and the judicial and nonjudicial handling of cases at intake are presented.



### The Pre-adjudication Phase of the Juvenile Court

The pre-adjudication phase of the juvenile court process is an extremely critical part of the court's functioning. An encounter with the police and subsequent referral by the police to court intake is the first contact, and for many the only contact, a youth has with the juvenile justice system. Juvenile court intake has traditionally had the responsibility of making two decisions with respect to a youth referred to juvenile court.

The first decision involves the question of whether the youth will be securely detained prior to adjudication. Secure detention refers to the placement of a youth in a physically restricting environment such as a jail or juvenile detention facility. Statutory provisions with respect to who can make decisions concerning the use of secure detention vary. Generally such authority rests with the police, intake officer, probation officer or the court. In jurisdictions where 24 hour intake is available, it is common for the intake officer to make the determination with respect to the use of detention. In the absence of 24 hour intake, the police may make the decision to detain. In most states, formal judicial review of the detention decision is required within a specified time frame, e.g., 24, 48 or 72 hours. In Alaska, AS 47.10.140 provides that a peace officer may detain a juvenile in a juvenile detention facility "if in his opinion it is necessary to do so to protect the minor or the community." Judicial review is required within 48 hours.

The second decision made by intake concerns screening of

cases for judicial or nonjudicial handling. It is at this point that the decision is made whether the youth should be referred to court for formal adjudication.

Decisions by police and intake to hold a juvenile in secure detention and decisions made by intake to handle a case judicially or nonjudicially have historically been made in the absence of any formal written criteria or guidelines.

Based on the parens patriae doctrine, the juvenile court has been characterized by informal procedures and a great deal of discretion. Supporters of the parens patriae model of juvenile justice have argued that such informality and discretion were essential if the court was to act in the "best interests" of the child. Under this model a youth being detained would receive treatment which would meet his or her needs.

During the 1950's and 1960's, critics of the juvenile court voiced concern over the denial of constitutional rights to juveniles. There was growing evidence of ineffective and abusive treatment delivered to juveniles in the juvenile justice system. These concerns were formally recognized by the U. S. Supreme Court in the 1966 Kent v. U. S. ruling.

There is evidence, in fact, that there may be grounds for concern that the child receives the worst of both worlds: that he gets neither the protection accorded to adults nor the solicitous care and regenerative treatment postulated for children. (Kent v. U. S., 383 U. S. 541 (1966)).

Subsequent U. S. Supreme Court rulings, In re Gault, and In re Winship, have further extended the principle that youth subject to the jurisdiction of the juvenile court are entitled

to the protection of constitutionally guaranteed rights. While the Supreme Court has not granted juveniles all of the rights granted to adults (McKeiver v. Pennsylvania), the philosophy guiding most recent changes in the juvenile court is one of emphasis on the protection of the rights of juveniles.

One particular area of concern has been the violation of juveniles' rights resulting from the lack of formal written criteria and guidelines with respect to pre-adjudication decisions made by police and intake. This concern is the focus of the present project.

#### Purpose of the Project

As noted earlier, legislation which will unify the administration of intake services within the Division of Youth Services and set forth written guidelines and criteria for making two specific decisions, the use of secure detention and the judicial or nonjudicial handling of cases, in the processing of youth through the juvenile justice system is needed in Alaska. In accomplishing this fact, it is not necessary to "reinvent the wheel" and extensive use has been made of existing national standards and recommendations. At the same time it is necessary to be sensitive to problems of administering a juvenile justice system in a state with such vast rural areas.

Two assumptions underlie this proposal. One is the acceptance of the need for written criteria and guidelines with respect to making decisions concerning secure detention and petitioning of a youth. The second is an acceptance of the need

to protect the rights of juveniles brought to the attention of the juvenile justice system. Thus the proposed standards are consistent with a due process philosophy which emphasizes the protection of juveniles' rights and limits the exercise of discretion of court personnel by establishing written guidelines and criteria with respect to decision making.

## UNIFICATION OF THE INTAKE FUNCTION

- I. The intake functions of receiving and screening cases referred to the juvenile court should be unified within the Division of Youth Services.

COMMENTARY: As noted in the statement of the problem, the Alaska Corrections Master Plan has identified the differing sources of administration of intake services in Alaska, i.e., the court and the Division of Corrections, as contributing to the disparity in practices with respect to detention and petitioning of cases that exists across the state. It is recommended that these intake functions be unified within the new Division of Youth Services. As discussed in the Alaska Corrections Master Plan, these functions are basically executive in nature and thus unification within the Division of Youth Services is appropriate.

## USE OF SECURE DETENTION

### Use of Secure Detention: The National Perspective

In recent years the question of the use of secure detention has received increasing national attention. The position expressed most frequently in the literature is that we have over-used secure detention and that many youth who are currently being detained in secure facilities could be better served by decisions not to detain or by placement in alternative nonsecure programs, without risk to the public's safety.

Numerous studies have portrayed the traumatic and detrimental effects that the experience of secure detention has on youth. (Fetrow and Fetrow, 1974; National Council on Crime and Delinquency, 1961; Sarri, 1974.) Youth, whether securely detained for a few hours or many days, are often subjected to confinement in adult jails or juvenile detention facilities which lack any medical, educational, recreational or counseling services. In the extreme the youth may become the target of brutal attacks by other inmates or staff.

In light of the evidence of the brutal and dehumanizing experience secure detention is for many children, recent nationally published standards by such groups as the John Howard Association, the National Advisory Commission on Criminal Justice Standards and Goals, the National Council on Crime and Delinquency, and the Institute of Judicial Administration and American Bar Association have greatly restricted the use of secure detention. The National Council on Crime and Delinquency has recommended that no more than 10% of all youth should be securely detained. This

figure has been recently revised by the John Howard Association to only 5%. These national standards assume the use of secure detention only as a last resort. The presumption is that the youth will not be securely detained and that other least restrictive alternatives will be utilized.

These national standards generally allow the secure detention of a youth only if the youth has committed a serious property crime or a crime of violence which would be a felony if committed by an adult and secure detention is necessary to insure the presence of the youth at court proceedings or the youth is a threat to the community. The use of secure detention for such purposes as punishment or "scare tactics" is completely prohibited. Secure detention is not to be used as a substitute for needed crisis intervention services.

These national standards restricting the use of secure detention were developed in the absence of empirical data which would support the underlying assumption that youth released to a non-secure setting, who formerly would have been securely detained, appear for adjudication without incident. A recent study by the Community Research Forum presents data relevant to this question. The study examined an urban and rural community which had implemented criteria by the National Advisory Committee on Standards for the Administration of Juvenile Justice restricting the use of secure detention and were securely detaining relatively few juveniles. The experience in these two jurisdictions was compared to that in two jurisdictions with relatively high use of secure

detention. Based on the data collected, it was concluded that:

- (1) proportionately fewer children are detained in the jurisdictions that meet the criteria;
- (2) the Advisory Committee's criteria can be implemented in both a rural and an urban setting, without experiencing a significantly higher rate of rearrests between the time of initial arrest and final disposition; and
- (3) the Advisory Committee's criteria can be implemented in both a rural and an urban setting, without experiencing a significantly higher rate of failure to appear for court hearings. (Kihm, 1980, p. 16)

A complete copy of this report is attached as Appendix A. Thus there is some empirical evidence to suggest that the implementation of criteria which restrict the use of secure detention will reduce the number of youth being securely detained without an increased risk to the public.

#### The Use of Secure Detention in Alaska

Estimates from the Alaska Corrections Master Plan indicate that secure detention is used excessively in Alaska in light of national standards which recommend a detention rate of no more than five to ten percent. Given an estimated total of 6977 referrals to the court in 1978, 984 or 14% were securely detained for more than 24 hours. Another 26% were securely detained for some period of time less than 24 hours. A report on the use of secure detention in Fairbanks in 1978 reported a 43% detention rate (Juvenile Detention Services and Alternatives, Technical Assistance Report, p. 8). Based upon the number of youth being securely detained for less than 24 hours it is reasonable to conclude that such detention has frequently been used in Alaska as a substitute for needed crisis intervention services. The inappropriate and unnecessary use of secure detention in Alaska is addressed by the



following standards which restrict the use of secure detention to certain specific types of youth.

### Standards for the Use of Pre-adjudicatory

#### Secure Detention of Juveniles in Alaska

#### II. Use of Secure Detention

Juveniles should not be securely detained except to:

- (1) insure the appearance of the juvenile at subsequent court proceedings
- (2) to protect the community and prevent the juvenile from inflicting harm on others.

#### III. Criteria for Use of Secure Detention

Juveniles may be securely detained only if:

- (1) they are a fugitive from another jurisdiction with an active warrant on a delinquency charge
- (2) they are an escapee from a secure correctional facility
- (3) they are charged with first or second degree murder
- (4) they are charged with a serious property crime or crime of violence which if committed by an adult would be a felony; and
  - (a) they are already detained or on conditional release in connection with another delinquency proceeding
  - (b) they have a demonstrable recent record of willful failures to appear at juvenile court proceedings within the last twelve months; or

- (c) they have a demonstrable recent record of adjudications for violent conduct resulting in physical injury to others within the last twelve months; or
- (d) they have a demonstrable record of adjudications for serious property offenses within the last twelve months.

If the youth meets the above criteria secure detention is not automatic. The juvenile may still be released or placed in a less restrictive non-secure placement. The presumption is that secure detention is the last resort and should be used only when other less restrictive alternatives are not available.

COMMENTARY: Standard II addresses the issue of the legitimate justifications for pre-adjudicatory detention. Under the parens patriae philosophy of the juvenile court, the preventive detention of juveniles in secure detention was often used to protect juveniles from themselves and dangerous environments and situations. It was under this philosophy that many status offenders, and even dependent and neglected children, were securely detained. Since there was a presumption of need and the assumption that detention provided services to meet this need, such preventive detention was permissible.

With the Supreme Court's rulings since Kent v. U.S., which have emphasized the need to protect the due process rights of youth, the national trend has been toward limits on the use of secure detention. The presumption of need has been replaced by

a presumption of innocence and the restriction of liberty prior to an adjudication of delinquency is seen as a serious consequence which must be limited in its use. The use of detention for punishment before a finding of delinquency is completely prohibited and certainly a violation of the juvenile's right.

In moving toward the restricted use of detention based on a due process model, there seems to have been a more conscious recognition that the protection of society from the serious violent offender is a legitimate reason for secure detention. Under the parens patriae philosophy of the court, the position of the court at least in theory was that the court served the best interests of the child and was only secondarily concerned, if at all, with the protection of society.

The proposed standard thus protects the community's legitimate interests by permitting the detention of youth who are a threat to the physical safety of the community but protects other juveniles from the unnecessary and often traumatic experience of being locked up.

Standard III provides a delineation of those youth who may be securely detained. The criteria presented restrict the use of secure detention to a small category of youth. The presumption is that the use of secure detention represents a last resort. Even with those youth who met the criteria for secure detention, use of nonsecure alternatives or release of the juvenile is desirable whenever possible. In making such a choice it is necessary to consider whether secure detention is necessary to

prevent the juvenile's flight from the court's jurisdiction or to protect the public.

#### Comments on Implementation

The successful implementation of these criteria restricting the use of secure detention will depend upon numerous factors. A number of recommendations contained in the Alaska Corrections Master Plan are pertinent. The Master Plan recommends that detention decisions should be the sole responsibility of intake. The Plan also recommends that intake operate on a 24 hour basis. Implementation of both of these recommendations will facilitate the implementation of the criteria presented here.

The existence of 24 hour intake can be predicted to reduce the large number of youth who are currently detained for less than 24 hours. Many of these youth are detained because parents cannot be readily located by police or intake services are not available. A simultaneous effort must be directed at providing adequate non-secure alternatives such as emergency shelter and foster care for those youth who cannot be released to a parent or guardian. In the past secure detention has often been used as a substitute for needed shelter care and crisis intervention into the lives of youth. These services will still be needed as much as ever.

THE JUDICIAL AND NONJUDICIAL  
DISPOSITION OF CASES AT INTAKE

The major responsibility of intake is the screening of cases. It is at intake that the decision is made whether to handle the youth judicially or nonjudicially. National statistics indicate that in 1974, 47% of cases referred to the juvenile court were handled nonjudicially. (Corbett & Vereb, 1974, p 6) Estimates in the Alaska Corrections Master Plan indicate that in 1978, 78.5% of cases were handled nonjudicially. Data from Anchorage reported in the 1979 annual report compiled by court intake indicate that 85% of cases are handled nonjudicially.

It is apparent that a large number of youth are handled nonjudicially by intake in Alaska. The standards which are proposed here are not designed to prevent the nonjudicial disposition of cases or to require that significant numbers of those youth presently being handled nonjudicially be referred for formal court adjudication. However, the exercise of discretion by the intake worker at this crucial process of the juvenile court should be guided by written guidelines and policy and attention should be paid to the protection of the juveniles' rights during this nonjudicial process. The youth should not be at the mercy of differing community standards and practices.

Standards for Judicial and  
Nonjudicial Handling of Youth

IV. Intake Dispositions

At intake the following dispositional alternatives should be

available:

- (1) Unconditional dismissal of a complaint. Unconditional dismissal terminates all proceedings against the juvenile.
- (2) Nonjudicial disposition of a complaint. Nonjudicial disposition is the taking of some action on the complaint without formal judicial proceeding. Permissible nonjudicial disposition are:
  - (a) Referral to parents (warning & release)
  - (b) Referral to community agencies. Intake may refer the juvenile in need of services to appropriate community resources, and agencies
  - (c) Judicial disposition of a complaint. Judicial disposition of a complaint involves the filing of a petition which initiates formal court proceedings.

#### V. Conditions of Nonjudicial Dispositions

A nonjudicial disposition should meet the following conditions:

- (1) The juvenile and his or her parents or legal guardian must be advised of their rights to a formal adjudication of the case.
- (2) The juvenile and his or her parents or legal guardian must voluntarily and willingly accept the nonjudicial disposition.
- (3) The terms of the nonjudicial disposition should be

clearly specified in writing.

- (4) The nonjudicial disposition should be limited in duration and scope. Nonjudicial dispositions should be terminated within three months.
- (5) Once a nonjudicial disposition has been made, the filing of a petition based on the original complaint is permissible only within a three month period of time.

#### VI. Criteria for Selection of a Disposition at Intake

The selection of a disposition at intake should be based upon the best interests of the juvenile and the community.

The intake officer should determine what disposition is in the best interests of the juvenile and the community based on the following:

- (a) seriousness of the offense
- (b) nature and number of prior court contacts
- (c) circumstances surrounding the alleged delinquent conduct
- (d) age and maturity of the juvenile
- (e) family situation
- (f) school attendance and behavior
- (g) attitude of the juvenile to the alleged delinquent conduct and to law enforcement and juvenile court authorities
- (h) denial of the allegations (IJA/ABA disagrees)
- (i) desires of the complainant (opposition to nonjudicial handling should not preclude such handling)
- (j) the availability of services within and outside the juvenile justice system.

Factors which should not be relevant to a decision concerning a disposition at intake include but are not necessarily limited to the juvenile's race, ethnic background, religion, sex and economic status.

COMMENTARY: The purpose of Standard IV is to specify what dispositions are appropriate at intake and to provide certain limits on the types of intervention permissible at this pre-judicial stage of the court process. Basically three nonjudicial dispositions are available: dismissal, warning and release and referral to community agencies. The use of informal probation is prohibited. The placement of restrictions on behavior and supervision of the juvenile by court personnel without judicial authority is not warranted.

Informal probation is currently used as a disposition in Alaska. Based upon estimates in the Alaska Corrections Master Plan, this disposition is used in approximately 6% of cases handled nonjudicially. One would anticipate that some of these cases would continue to be handled nonjudicially under the proposed standards; others might require formal court action. In either event, however, the proposed standards would change the handling of a relatively small number of cases. These standards would not result in a flood of cases being referred for formal court adjudication.

The purpose of the conditions specified in Standard V is to insure that the juvenile's acceptance of a nonjudicial disposition is voluntary and that juveniles are advised that in accepting



such a disposition they are giving up their right to a formal adjudication on the charges. The potential for coercion is present at this stage and the intake officer must work to insure that the juvenile's acceptance of a nonjudicial disposition is truly voluntary.

It is also important to clearly specify the terms of the nonjudicial disposition and limit its scope and duration. The juvenile should be clearly aware of the consequences of not meeting the terms of the agreement.

Standard VI specifies that in selecting a judicial or non-judicial disposition at intake, the intake officer should consider the best interests of the juvenile and the community. In making this judgment the worker should consider whether court referral is necessary to deal effectively with the juvenile's behavior, the impact of formal handling on the juvenile and the danger of the juvenile to the community. In making this decision the intake worker exercises a great deal of discretion. This decision has generally been made in the absence of formal written criteria or guidelines. However, most intake workers could probably articulate those factors and criteria which are in fact used even though no formal policy exists. The above standard is intended to provide a statement of written criteria which should and should not be used by the intake staff in choosing a disposition at intake.

In examining the list of criteria presented it should not be assumed that equal weight should be given to the individual criterion or that all authorities agree that the factor should

be relevant to a decision concerning a disposition at intake.

The seriousness of the offense should be one of the primary factors in considering the disposition of a case. Most authorities agree that a petition should be filed when the charge is of a serious nature.

The nature and number of prior court contacts is relevant because it indicates whether the present offense represents an isolated incident or is indicative of a more frequent and pervasive delinquent behavior. The presence of prior contacts may also provide evidence of the ineffectiveness of past nonjudicial dispositions.

The circumstances surrounding the alleged delinquent conduct addresses the generally accepted requirement that if a juvenile is part of a group of juveniles involved in the alleged conduct that the juveniles should be treated equally. Circumstances such as the time of day of the alleged conduct may also provide evidences with respect to the family situation.

The age and maturity of the juvenile should be considered and generally the younger the child the more likely one would be to select nonjudicial handling. However, if other circumstances warrant it, early formal court intervention might be appropriate.

Consideration of the juvenile's school and family situation provide the intake officer with information relevant to assessing the nature and extent of the juvenile's needs as well as an assessment of the family's ability to carry through on a nonjudicial disposition.

The use of the juvenile's attitude toward law enforcement

and juvenile court authorities as a criterion in decision making is not uniformly accepted. It has been suggested that an uncooperative attitude is evidence that a nonjudicial disposition would not be successful. Other authorities reject use of the juvenile attitude as a relevant factor. Generally most authorities agree that a juvenile's denial of the allegations should result in a petition being filed.

The intake worker should consider the desires of the complainant; however, the complainant's opposition to a nonjudicial disposition should not preclude the use of such a disposition. The intake worker should also assess the availability of various resources within and outside the juvenile justice system in order to determine where the needs of the juvenile can best be served.

In the making of dispositional decisions such irrelevant factors as sex, race, religion and socioeconomic level should not be considered by the intake worker.

As noted previously, the selection of a judicial or non-judicial disposition at intake requires the exercise of a great deal of discretion. The lack of guidelines contributes to the appearance if not the reality of an arbitrary and capricious decision making process. The above criteria provide guidelines for the exercise of discretion. They in no way eliminate the need for a well-trained qualified intake staff who must make important decisions in the lives of youth referred to the juvenile court. The standards do provide a structure for decision making at intake.

## SUMMARY

Legislation is proposed which would unify the intake function of receiving and screening cases referred to the juvenile court within the new Division of Youth Services. Standards are proposed that restrict the use of secure detention to a limited category of offenders who pose a threat to the community or are likely to leave the court's jurisdiction. The use of secure detention is seen as a last resort which should be used only when release or use of nonsecure alternatives is inappropriate. Secure detention must not be used as a substitute for needed shelter care or crisis intervention services to juveniles.

The selection of a judicial or nonjudicial disposition at intake should be based upon a judgment of the best interests of the youth and the community. Criteria relevant to making this decision include the nature of the charge, prior record and court appearance, age and maturity of the youth, and family and school situation. Race, sex, religion and economic status should not be considered.

These standards limit the type of nonjudicial disposition available to the intake officer. The intake officer may dismiss the case, warn and release the youth to his or her parents or refer the youth to community resources. The placement of restrictions on behavior and supervision in the form of informal probation is not permissible.

The differing sources of administration of intake services

in Alaska and the lack of criteria for making decisions with respect to the use of secure detention and the judicial or non-judicial handling of youth has created disparity in practices across the state at the pre-adjudicatory phase of the juvenile court process. The implementation of the recommendations and standards proposed here will help to insure uniformity and fairness to Alaskan youth referred to the juvenile court.

## BIBLIOGRAPHY

1. Corbett, J., & Vereb, T. Juvenile Court Statistics, 1974. National Institute for Juvenile Justice and Delinquency Prevention, Washington, D. C.: Law Enforcement Assistance Administration.
2. Fetrow, R., & Fetrow, A. How a pre-trial facility can destroy self-esteem of the juvenile. International Journal of Offender Therapy and Comparative Criminology, 18, 1974.
3. In re Gault, 376 U.S. 1 (1967).
4. In re Winship, 397 U.S. 358 (1970).
5. Institute of Judicial Administration, American Bar Association Juvenile Justice Standards Project, Standards relating to the juvenile probation function, intake and predisposition investigative services, Ballinger Publishing Company, 1980.
6. Institute of Judicial Administration, American Bar Association Juvenile Justice Standards Project, Standards relating to interim status, Ballinger Publishing Company, 1980.
7. Juvenile detention services and alternatives, Technical Assistance Report submitted to Alaska Criminal Justice Planning Agency, Arthur D. Little, Inc.
8. Kent v. U.S., 383 U.S. 541 (1966).
9. Kihm, R., Prohibiting secure juvenile detention: assessing the effectiveness of national standards detention criteria. Community Research Forum of University of Illinois, 1980.
10. McKeiver v. Pennsylvania, 403 U.S. 528 (1971).
11. National Advisory Commission on Criminal Justice Standards and Goals, Corrections, Washington, D. C.: U.S. Government Printing Office, 1973.
12. National Advisory Commission on Criminal Justice Standards and Goals, Courts, Washington, D. C.: U.S. Government Printing Office, 1973.
13. National Advisory Committee on Criminal Justice Standards and Goals, Report of the task force on juvenile justice and delinquency prevention, Washington, D. C.: U.S. Government Printing Office, 1976.
14. National Council on Crime and Delinquency, Standards and guides for the detention of children and youth, New York: National Council on Crime and Delinquency, 1961.

15. Sarri, R. Under lock and key: Juveniles in jails and detention. National Assessment of Juvenile Corrections, Ann Arbor, Michigan, 1974.



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3211 Providence Drive  
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December 11, 1980

Ms. Barbara McPherson  
Criminal Justice Planning Agency  
Pouch KJ  
Juneau, Alaska 99811

Dear Barbara:

Please find enclosed the report of the Uniform Juvenile Intake Procedures grant. I have incorporated the suggested revisions and it should be ready for distribution. Don't forget that there is a reference in the text to the attachment of the Community Research Forum study on use of secure detention as an appendix.

Have a nice Christmas and I'll talk to you when I return in January.

Very truly yours,

A handwritten signature in cursive script, appearing to read "L. Horn".

Elizabeth R. Horn  
Visiting Associate Professor

ERH:pb  
Enclosure